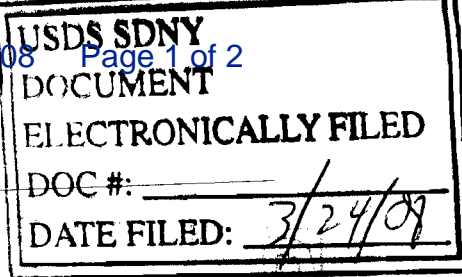


MALDJIAN & FALLON LLC
INTELLECTUAL PROPERTY COUNSEL

March 6, 2008

Via Federal ExpressHonorable Lewis A. Kaplan
U.S. District Court, Southern District of New York
500 Pearl Street
New York, NY 10007**MEMO ENDORSED**Re: Cyber Champion International, Ltd. v. Carlos Falchi, Marcos Falchi, and XYZ
Companies
Index No. 07 CV 9503 (LAK)

Dear Honorable Sir:

Please accept this letter as Defendant Marcos Falchi's ("Defendant") request for an informal conference, pursuant to Local Civil Rule 37.2, in which Defendant will seek a stay of the Scheduling Order for discovery, issued December 21, 2007.

Defendant filed a Motion to Dismiss pursuant to F.R.C.P. 12(b)(6) on January 18, 2008, which would permit Defendant to eliminate those causes of action as to which no set of facts has been identified that support a claim against him. An analysis of the relevant factors in the instant case demonstrates that a stay of discovery is appropriate. Here, Defendant has ample grounds for a dismissal as to several of Plaintiff's claims. In addition, Defendant has likewise not yet filed an Answer or Counterclaim due to its pending Motion to Dismiss. Finally, the resolution of Defendant's Motion will have a significant impact on how discovery is conducted, and what will be sought and provided during discovery. Therefore, a stay of discovery while the motion is pending is warranted.

Further, given the merits of Defendant's motion, the breadth of the discovery, and the resources to be expended, discovery at this time would be extremely burdensome and potentially wasteful, until such time as Defendant's Motion is decided and the parties can be more fully apprised of all issues involved. Accordingly, a stay of discovery while the motion is pending is economical, efficient, and avoids the burden on both parties.

Please be advised that Plaintiff has scheduled multiple depositions for next week.

In addition, Dwight Yellen, counsel for Co-Defendant Carlos Falchi previously requested a settlement conference before your honor. I concur that a settlement conference would be most beneficial to resolution of this case. Defendants made a fair and generous settlement offer in January, at the behest of Plaintiff's counsel. Plaintiff's counsel has since withdrawn from

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settlement negotiation, despite assurances that a counter-offer was imminent.

Therefore, Defendant respectfully requests that the Court grant his request. I thank the Court for its consideration in this matter.

Best Regards,

MALDJIAN & FALLON LLC

By: 
Brian M. Gaynor, Esq.

BMG/ja

cc: Mr. Harlan Lazarus
Mr. Dwight Yellen

